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CLERK US DISTRICT COURT DISTRICT OF ARIZONA	
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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 United States of America,

11 Plaintiff,

CR19-0984-002-TUC-JAS (LCK)

Plea Agreement

12 vs.
13 *Jean*
Donna Baker,
14 a.k.a. Donna Jaskolski,

15 Defendant.

16 The United States of America and the defendant, Donna Baker, agree to the
17 following disposition of this matter:

18 PLEA

19 The defendant agrees to plead guilty to an Information, charging the defendant with
20 a violation of Title 18, United States Code, Sections 371 and 1382, Conspiracy to Enter
21 Military Property for Prohibited Purpose. The government agrees to dismiss the charges
22 against the defendant in the Indictment in this matter at the time of sentencing.

23 ELEMENTS OF THE CRIME

24 The essential elements of Conspiracy to Enter Military Property for Prohibited
25 Purpose are that:

- 26 (A) The defendant agreed with at least one other person to commit the offense of
27 Entering Military Property for Prohibited Purpose; and
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1 (B) The defendant became a member of the conspiracy knowing that its object
2 was for any person to go upon any military installation for any purpose
3 prohibited by law or lawful regulation, in violation of Title 18, United States
4 Code, Section 1382; and intending to accomplish said object.

5 STIPULATIONS, TERMS AND AGREEMENTS

6 The defendant understands the guilty plea is conditioned upon the following terms,
7 stipulations, and requirements:

8 Maximum Penalties: The defendant understands and agrees that the maximum penalty for
9 the offense to which she is pleading are a fine of \$5,000, a maximum term of six months
10 imprisonment, or both, and a maximum term of five (5) years probation.

11 The defendant agrees to pay a fine unless the defendant establishes the applicability
12 of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

13 Agreement Regarding Sentencing:

- 14 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties agree that a sentence of five (5)
15 years probation is an appropriate disposition of this matter.
16 b. The defendant may withdraw from the plea agreement if she receives a sentence of
17 imprisonment.
18 c. The defendant understands and agrees that this plea agreement contains all the
19 terms, conditions and stipulations regarding sentencing.
20 d. If the Court departs from the terms and conditions set forth in this plea agreement,
21 either party may withdraw.
22 e. If the Court, after reviewing this plea agreement, concludes any provision is
23 inappropriate, it may reject the plea agreement and allow the defendant an
24 opportunity to withdraw the defendant's guilty plea, all pursuant to Rule 11(c)(5)
25 and Rule 11(d)(2)(A), Fed. R. Crim. P.
26 f. The defendant understands that if she violates any of the conditions of her
27 probation, the probation may be revoked. Upon such revocation, notwithstanding
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- 1 any other provision of this agreement, the defendant may be required to serve a
2 term of imprisonment or the defendant's sentence may otherwise be altered.
- 3 g. The defendant understands that if she violates any of the conditions of her
4 probation, the government may refile the charge in the Indictment in this matter.
- 5 h. The defendant and the government agree that this agreement does not in any manner
6 restrict the actions of the government in any other district or bind any other United
7 States Attorney's Office.
- 8 i. The defendant agrees that as a condition of her probation she will not obtain or
9 attempt to maintain a United States Government clearance, and will not seek
10 employment for any position requiring such a clearance.

11 Disclosure of Information to U.S. Probation:

12 The defendant understands the government's obligation to provide all information in
13 its file regarding the defendant to the United States Probation Office.

14 The defendant understands and agrees to cooperate fully with the United States
15 Probation Office in providing:

- 16 a. All criminal history information, i.e., all criminal convictions as defined under the
17 Sentencing Guidelines.
- 18 b. All financial information, i.e., present financial assets or liabilities that relate to
19 the ability of the defendant to pay a fine or restitution.
- 20 c. All history of drug and alcohol abuse which would warrant a treatment condition
21 as part of sentencing.
- 22 d. All history of mental illness or conditions which would warrant a treatment
23 condition as part of sentencing.

24 Reinstitution of Prosecution:

25 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any
26 court in a later proceeding, the government will be free to prosecute the defendant for all
27 charges as to which it has knowledge, and any charges that have been dismissed because of
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1 this plea agreement will be automatically reinstated. In such event, the defendant waives
2 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth
3 Amendment to the Constitution as to the delay occasioned by the later proceedings.

4 Waiver of Defenses and Appeal Rights:

5 The defendant waives any and all motions, defenses, probable cause determinations,
6 and objections that the defendant could assert to the information or indictment, or to the
7 petition to revoke, or to the Court's entry of judgment against the defendant and imposition
8 of sentence upon the defendant providing the sentence is consistent with this agreement.
9 The defendant further waives: (1) any right to appeal the Court's entry of judgment against
10 the defendant; (2) any right to appeal the imposition of sentence upon the defendant under
11 Title 18, United States Code, Section 3742 (sentence appeals); and (3) any right to
12 collaterally attack the defendant's conviction and sentence under Title 28, United States
13 Code, Section 2255, or any other collateral attack. The defendant acknowledges that this
14 waiver shall result in the dismissal of any appeal or collateral attack the defendant might
15 file challenging her conviction or sentence in this case. If the defendant files a notice of
16 appeal or a habeas petition, notwithstanding this agreement, the defendant agrees that this
17 case shall, upon motion of the government, be remanded to the district court to determine
18 whether the defendant is in breach of this agreement and, if so, to permit the government to
19 withdraw from the plea agreement. This waiver shall not be construed to bar a claim of
20 "prosecutorial misconduct" (as that term is defined by Section II.B of Ariz. Ethics Op. 15-
21 01 (2015)) or a claim by the defendant of ineffective assistance of counsel.

22 Plea Addendum:

23 This written plea agreement, and any written addenda filed as attachments to this
24 plea agreement, contain all the terms and conditions of the plea. Any additional
25 agreements, if any such agreements exist, shall be recorded in separate documents and may
26 be filed with the Court under seal. Accordingly, additional agreements, if any, may not be
27 in the public record.
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1 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

2 Waiver of Rights:

3 I have read each of the provisions of the entire plea agreement with the assistance of
4 counsel and understand its provisions. I have discussed the case and my constitutional and
5 other rights with my attorney. I understand that by entering my plea of guilty I will be
6 giving up my rights to plead not guilty, to trial by jury, to confront, cross-examine, and
7 compel the attendance of witnesses, to present evidence in my defense, to remain silent and
8 refuse to be a witness against myself by asserting my privilege against self-incrimination --
9 all with the assistance of counsel -- and to be presumed innocent until proven guilty beyond
10 a reasonable doubt.

11 I agree to enter my guilty plea as indicated above on the terms and conditions set
12 forth in this agreement.

13 I have been advised by my attorney of the nature of the charges to which I am
14 entering my guilty plea. I have further been advised by my attorney of the nature and range
15 of the possible sentence.

16 My guilty plea is not the result of force, threats, assurances or promises other than
17 the promises contained in this agreement. I agree to the provisions of this agreement as a
18 voluntary act on my part, rather than at the direction of or because of the recommendation
19 of any other person, and I agree to be bound according to its provisions.

20 I fully understand that, if I am granted probation or placed on supervised release by
21 the court, the terms and conditions of such probation/supervised release are subject to
22 modification at any time. I further understand that, if I violate any of the conditions of my
23 probation/supervised release, my probation/supervised release may be revoked and upon
24 such revocation, notwithstanding any other provision of this agreement, I may be required
25 to serve an additional term of imprisonment or my sentence may otherwise be altered. I
26 agree that any Guidelines Range referred to herein or discussed with my attorney is not
27 binding on the court and is merely an estimate.
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1 I agree that this written plea agreement contains all the terms and conditions of my
2 plea and that promises made by anyone (including my attorney), and specifically any
3 predictions as to the guideline range applicable, that are not contained within this written
4 plea agreement are without force and effect and are null and void.

5 I am satisfied that my defense attorney has represented me in a competent manner.

6 I am fully capable of understanding the terms and conditions of this plea agreement.
7 I am not now on or under the influence of any drug, medication, liquor, or other intoxicant
8 or depressant, which would impair my ability to fully understand the terms and conditions
9 of this plea agreement.

10 Factual Basis:

11 I agree that the following facts accurately describe my conduct in connection with
12 the offense to which I am pleading guilty; and, that if this matter were to proceed to trial,
13 the government could prove the elements of the offense beyond a reasonable doubt based
14 on the following facts:

15
16 On October 5, 2017, the co-defendant, Mark Vincent Baker, purchased a
17 digital recording device through the internet. On several occasions between
18 October 8 and 13, 2017, Mark Baker and the defendant, Donna Baker a.k.a.
19 Donna Jaskolski, used, accessed, and tested the digital recording device. On
20 October 12, 2017, Mark and Donna Baker discussed the digital recording
21 device and the need for a second digital recording device, which Mark Baker
22 then purchased from a retailer.

23 On October 16, 2017, Mark Baker entered the Multi-Function Lab in the
24 Joint Interoperability Test Command compound on Fort Huachuca, disarmed
25 the alarm for the building, surreptitiously placed the second digital recording
26 device in or near the Government Action Officer's office, and turned on the
27 device to record. This area is a Sensitive Compartmented Information
28 Facility. Later the same date, Mark Baker again entered the building,
disarmed the alarm, immediately retrieved the device, armed the alarm, and
exited the building. During this time period, Mark and Donna Baker
communicated by telephone. Mark Baker's entry into the facility for the
purpose of creating a surreptitious recording was prohibited by law. Donna
Baker knew that Mark Baker would enter the facility for a prohibited
purpose, entered into an agreement with him that he would do so, and
intended that he do so.

2-6-2020
Date


Donna Baker, Defendant

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I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure that the guilty plea is entered in accordance with all the requirements of Fed. R. Crim. P. 11.

accordance with all the requirements of the contract.

Barnett

MICHAEL BAILEY
United States Attorney
District of Arizona

ANGELA W. WOOLBRIDGE

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